

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

JOSE LUIS MATA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/21/2025

11 Cr. 435 (VM)

SUMMARY ORDER

VICTOR MARRERO, United States District Judge.

Before the Court is the *pro se* motion of defendant Jose Luis Mata ("Mata") for compassionate release under 18 U.S.C. § 3582(c)(1) ("Section 3582"). Section 3582(c)(1), colloquially known as the "compassionate release" provision, permits a district court to reduce a previously imposed sentence "after considering the factors set forth in [Section 3553(a)] to the extent that they are applicable, if it finds that . . . extraordinary and compelling reasons warrant such a reduction." United States v. Amato, 48 F.4th 61, 63 (2d Cir. 2022) (quoting 18 U.S.C. § 3582(c)(1)(A)). A district court may deny a Section 3582 motion where the defendant fails to show extraordinary and compelling circumstances warranting compassionate release. See United States v. Kloszewski, No. 16 Cr. 200, 2023 WL 7160740, at *1 (S.D.N.Y. Oct. 31, 2023).

Mata argues that compassionate release is warranted because (1) he suffers from various health issues and may contract COVID-19 in prison, (2) he has ailing family members

that require his care, and (3) he has made significant rehabilitation efforts while incarcerated. However, Mata's motion mirrors his prior compassionate release motion, which this Court denied in a detailed Decision and Order. (See Decision and Order, Dkt. No. 83. See also Dkt. No. 74.)


With this motion for compassionate release, Mata has not submitted new evidence that alters the Court's prior judgment. Although Mata now alleges that he is suffering from various dental issues and is receiving treatment for an H. Pylori infection, these medical conditions are not considered extraordinary and compelling circumstances. See U.S.S.G. § 1B1.13(b)(1) (listing terminal illnesses, such as metastatic solid-tumor cancer and end-stage organ disease, as extraordinary and compelling medical circumstances); United States v. Yaroshenko, No. 09 Cr. 524, 2021 WL 4267812, at *2 (S.D.N.Y. Sept. 18, 2021) (finding that defendant's various medical issues, including tooth decay, did not demonstrate extraordinary and compelling circumstances); United States v. Hoti, No. 15 Cr. 651, 2021 WL 2581670, at *3 (S.D.N.Y. June 23, 2021) (denying motion for compassionate release where the defendant was concerned about contracting COVID-19 and had an H. Pylori bacterial infection and brain atrophy).

Accordingly, Mata's motion for compassionate release is **DENIED**. The Clerk of Court is hereby respectfully directed to

terminate the motion at Dkt. No. 101. The Clerk of Court is also respectfully directed to mail a copy of this Order to Jose Luis Mata, Register No. 64364-053, FCI Gilmer, PO Box 6000, Glenville, WV, 26351, and note service on the docket.

SO ORDERED.

Dated: 21 February 2025
New York, New York



Victor Marrero
U.S.D.J.